



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 13, 1995

Mr. John S. Schneider, Jr.
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501

OR95-609

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33742.

The City of Pasadena (the "city") received a request for incident numbers, dates, and locations for all sexual assaults for the months of March and April, 1995.¹ You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. You have also submitted documents for our review.² We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information deemed confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses both constitutional and common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Under common-law privacy, information may be withheld from the public when (1) it is highly intimate and embarrassing such

¹The information submitted to this office also contains the victims' names, descriptions of the assaults, and other information. Since the requestor has not asked for this information, but rather specifically seeks only the incident numbers, dates, and locations, we need not address the other information submitted.

²We note that some of the submitted documents do not relate to sexual assaults that occurred in March or April of 1995. Therefore, those documents do not appear to be responsive to the request.

that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 (1992) at 1. The constitutional right to privacy protects the interests in (1) independence in making certain important decisions related to the "zones of privacy" recognized by the United States Supreme Court; and (2) avoiding disclosure of personal matters. Open Records Decision No. 600 (1992) at 4 (citing *Ramie v. City of Hedwig Village*, 765 F.2d 490 (5th Cir. 1985), *cert. denied*, 474 U.S. 1062 (1986)); *see* Open Records Decision No. 455 (1987) at 5-7 (citing *Fadjo v. Coon*, 633 F.2d 1172, 1176 (5th Cir. 1981)).

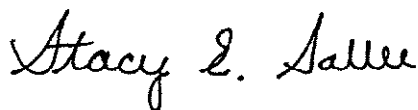
In the past, this office has concluded that information that identifies or tends to identify a victim of a serious sexual assault may be withheld from required public disclosure under section 552.101. Open Records Decision Nos. 628 (1994), 393 (1983), 339 (1982). We have stated:

Although there is certainly a strong public interest in knowing that a crime has been committed, we do not believe that such interest requires the disclosure of the names of victims [of serious sexual assaults]. Furthermore, certain other information, such as the location of the crime, might furnish a basis for identification of the victim.

Open Records Decision No. 339 (1982) at 3. Therefore, we agree that the city must withhold the locations of the sexual assaults to the extent that the location "might furnish a basis for identification of the victim." However, the city may not withhold the dates on which the assaults reportedly occurred or the incident numbers.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Government Section

SES/RHS/rho

Ref.: ID# 33742

Enclosures: Marked documents

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(w/o enclosures)